

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

3 

---

UNITED STATES OF AMERICA

4 vs.

**NOTICE OF MOTION**  
**23-mj-05095**

5 FRANK NOESON,  
6 Defendant.  
7 

---

8 **PLEASE TAKE NOTICE**, that FRANK NOESON, by his attorney,  
9 MARK J. BYRNE, ESQ., upon the annexed Affirmation and all the proceedings  
10 and papers heretofore had herein, moves for the following relief:

- 11 1. Extension of the Rule 48(b) Dismissal Date by 30 days; and
- 12 2. Such further relief deemed just and proper by this Court.

13 Buffalo, New York

14 July 25, 2023

15 Respectfully Submitted,

16 /s/ Mark J. Byrne

17 

---

MARK J. BYRNE, ESQ.  
18 561 Ridge Road  
19 Buffalo, New York 14218  
20 716.880.0719  
21 mbyrne@lawofficemjb.com

22 TO: AARON MANGO, AUSA.

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK  
3 UNITED STATES OF AMERICA

4 vs.

**AFFIRMATION**

5 FRANK NOESON,  
6 Defendant.

7 **MARK J. BYRNE, ESQ.**, an attorney at law, pursuant to 28 U.S.C.  
8 §1746(2), declares the following under penalty of perjury:

9 1) I represent the Defendant, FRANK NOESON, in the above-entitled action  
10 brought by the United States of America and as such am familiar with the facts  
11 and circumstances of the case.

12 2) The Defendant appeared for an initial appearance on the Criminal  
13 Complaint on April 28, 2023.

14 3) With the agreement of the parties, the Court scheduled to dismiss the  
15 Complaint without prejudice pursuant to Rule 48(b) on July 28, 2023.

16 4) The parties have been engaged in plea negotiations and are nearing a likely  
17 resolution.

18 5) It is anticipated that the Government will have a proposed plea offer to the  
19 defense in the coming weeks.

20 6) The defense will need time to review the plea, and if acceptable, the parties  
21 will apply to a District Court Judge for a date to enter a pre-indictment plea.  
22

1 7) In order to accommodate the plea process, it is respectfully requested that  
2 the Court extend the current 48(b) date by 30 days.

3 8) AUSA Aaron Mango has no objection to the relief requested in this motion.

4 9) It is agreed that any extension granted by the Court is excludable under the  
5 Speedy Trial Act and Federal Rules of Criminal Procedure as it is in the interests  
6 of the Defendant and the public to seek a pre-indictment resolution.

7 **WHEREFORE**, the Defendant respectfully requests that the Court issue an  
8 ORDER granting the foregoing requested relief.

9 Buffalo, New York

10 July 25, 2023

11 Respectfully Submitted,

12 /s/ Mark J. Byrne

13 

---

MARK J. BYRNE, ESQ.  
14 561 Ridge Road  
Buffalo, New York 14218  
15 716.880.0719  
mbyrne@lawofficemjb.com  
16  
17  
18  
19  
20  
21  
22